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THE ANN ARBOR STRIKE.

BY FRANK P. SARGENT, GRAND MASTER OF THE BROTHERHOOD
OF LOCOMOTIVE FIREMEN.

A STRIKE is a declaration of war. It is therefore the policy of the Brotherhood of Locomotive Firemen to discourage strikes, and adopt other methods for the settlement of disagreements with employers, strictly in accordance with common sense, always having in view the welfare of the parties to the controversy. To verify this statement, it is only necessary to refer to the constitution and laws of the Brotherhood, which are eminently conservative and democratic.

The laws of the Brotherhood recognize the sovereignty of the membership. They confer no arbitrary power upon the Chief Executive of the Order. He cannot "order" a strike. He cannot "call out" the men. He cannot arrest the business of railroads. In this connection, it may be prudent to briefly outline what is required to engage in a strike. First, a grievance committee states definitely to the proper officials of a railroad the particular wrongs which it is desirable to have corrected. If the official to whom application is made gives audience to the committee, matters are fully discussed and in a vast majority of cases a satisfactory arrangement results. If, however, an agreement is not arrived at, the Chief Executive of the Order is notified, and, when made entirely familiar with the situation, he takes up the case and presents it, if permitted, to the highest official of the corporation. If a conference is granted, the grievances are discussed and earnest efforts made, on the part of the Brotherhood, to reach satisfactory conclusions and if possible to avoid a strike. Concessions are usually made and compromises agreed upon, but if, finally, no agreement results, a strike does not, necessarily, occur at once. On the contrary, the laws of the

Order require that the road or system be canvassed, for a strike cannot be declared unless two-thirds of the men interested vote in favor thereof, and then only when sanctioned by the Grand Master in conjunction with the committee having the matter in charge. It will be observed that the Brotherhood has adopted, to the extent of its power, wise precautions against everything hasty or ill-advised, calculated to precipitate a strike.

In the case of the strike on the Toledo, Ann Arbor and North Michigan Railroad, which occurred on March 8th, every precaution here outlined was taken, and every movement on the part of the members of the Order was deliberate and lawful. There was not an instance of insubordination; nothing turbulent or seditious. Men had appealed to their employers like men, to have serious and grievous wrongs redressed in a manly way, as became good and law-abiding citizens. They had been overworked and underpaid. Their employers had violated contracts and had subjected them to outrageous treatment, and mocked at their complaints. Their pleadings and protests had availed not, and when endurance and patience had ceased to be virtues, when all efforts to find redress had utterly failed, then, and only then, did they strike; only then did they assert their manhood, their rights as citizens and abandon their work, preferring idleness and the sacrifices which idleness entails, to the degradation which injustice and insolence force upon the unresisting.

I am writing, as is my province, particularly for the Brotherhood of Locomotive Firemen, though entirely familiar with all the acts and movements of the Brotherhood of Locomotive Engineers, which, owing to its law relating to boycotting railroads, has had special prominence in this strike. I may state, however, that the laws relating to strikes are practically the same in both brotherhoods, with the exception of the law providing for boycotts, which the Firemen's Brotherhood omits.

The strike on the Toledo, Ann Arbor and North Michigan Railroad had no extraordinary features, but the interferences of the United States judges have given it national prominence, and if the dictum of these judges is to stand as the law, the dearest rights of the citizen are swept away and an autocracy is established. This view of the situation is not strained, but is strictly in consonance with the avowals of the press throughout the country. The questions of law involved are fundamental and are commanding, as they

should command, the best thought of the nation. It has hitherto been conceded that railroad employees possessed all the rights as citizens which attached to their employers, that is to say, that if employers possessed the right to discharge employees, when it pleased them to exercise such authority, the employee also possessed the right, unchallenged, to quit work when he elected to exercise that right. If a judge of a United States Court may abolish this right of an employee, he remands him, unequivocally, to a servitude as degrading as the Spartans imposed upon their helots, and it is this phase of the strike which has aroused such intense concern and alarm.

It will not be expected that I should enter upon a discussion of the legal points involved ; at best I can only voice the sentiments of a body of law-abiding men who have been trained by their organizations to respect laws and the decisions of courts, and who find themselves suddenly reduced to the condition of peonage by the decision of a United States judge. The learned judge, in his decision, finds it convenient to omit all reference to the duties of railroad magnates, and devotes his attention to employees, intimating to them that, having sought employment upon railroads, they have become, by some legal hocus-pocus, a part of its machinery to remain during the pleasure of their employer. In handing down such a judicial opinion, the judge seeks to bury out of sight the inalienable right of a railroad employee to liberty and the pursuit of happiness. If an engineer, he is welded to the throttle of his engine ; if a fireman, he can lay down his pick and scoop only when his master gives him permission. The Interstate Commerce law is invoked, it is true, and the whys and wherefores of the boycott are involved, but the judge, disdaining to be exact, gives employees to understand that once becoming engineers or firemen, they part with their rights as citizens and are links in a chain gang of railroad employees, because they are in some sense public servants, and the exercise of the prerogative to quit work is productive of inconvenience. But it will be observed that no reference is made to public needs or inconvenience, when an official, without notice or warning, at his own sweet pleasure, discharges an employee.

It has been suggested that a railroad employee, when he accepts service, enlists—something after the manner of a private soldier in the regular army of the United States—placing himself under

the control of officers, from corporal to the commander of the company, regiment or division, and therefore can neither quit nor resign, but is held by some mysterious power recently discovered by a United States judge. True, it may be, that neither railroad men nor the public profess to understand clearly what the judge means, but the best efforts that have been made to comprehend his declarations lead to the conclusion that they restrict the rights of employees and indefinitely enlarge the rights of employers. For myself, I do not regret that a United States judge has forced upon public attention questions of such acknowledged gravity. The time has come for workingmen to know if they have any rights which the courts are bound to respect, or if these rights may be at any time abrogated to meet the demands of corporations or the combined capitalistic power. The United States judge at Toledo has started the controversy, and I desire to have it proceed until the unquestioned rights of railroad employees, if rights they have, are established, as also the rights of their employers.

It is asserted that railroads become common carriers, but are unable to perform their obligations without men. They must have men, and it should be stated they must have engines, fuel, water, steam, tracks, switches, etc. The locomotives and equipments can be purchased and become the property of the road, but they are useless without the men, and these, once secured, the general manager, speaking as if by authority, intimates that they become fixtures, because without them, as without engines, the obligations of the railroads cannot be performed; such is the new-fangled logic relied upon to reduce railroad trainmen to machines, to do the bidding of masters with authority conferred by a United-States judge.

It is not surprising, therefore, that this strike created intense solicitude throughout the country. It is held, so far as the men can discern, and many of them are thinkers of acute penetration, that the rights of workingmen are in imminent peril. In at least one notable instance a United States judge has shown his utter contempt for a sovereign State and the laws made in conformity with the constitution, and has sent county officials to prison, because they would not disregard their oaths and obey his mandate—and it will be readily conceded, if such a high-handed outrage can be perpetrated

and the judge remain unimpeached, that a judge may, with equal impunity, subject railroad employees to autocratic indignities. Such acts on the part of judges may lead to a movement to define the limits of judicial power, since, if it is as far-reaching as I have indicated, the demand to know the worst will grow in emphasis until the worst is known, and the present is as favorable a period as will ever occur in the history of workingmen or of the country for adjustments and readjustments.

A railroad man myself, knowing by experience the duties of a locomotive fireman, and speaking as I do for an Order whose membership reaches thirty thousand men, it affords me special pleasure to place upon record the fact that the great body of these men comprehend the value of railroads to the country. They have not in the past, nor are they now, making any demands upon railroad corporations not warranted by justice and fair dealing, nor do they stand in need of any lecturing from a United States judge, or any other ermined representative of the law, to teach them their duty. These locomotive firemen are profoundly interested in the growth and expansion of American railroads, they desire their prosperity, because their own welfare is identified largely with their triumphal march; but if railroads, under the decisions of courts or any other power, are to batter down the rights and prerogatives of employees, if the workmen are to witness the creation of a cabal of petty tyrants, and find themselves shorn of privileges hitherto regarded as birthrights, then, in that case, it were better that no railroad track had ever been laid, better that the wilderness should be restored and the land given back to wild men and wild beasts.

One of the most conservative papers in the country, referring editorially to the declaration of a United States judge, says that "The decision of the United States Court at Toledo, O., to the effect that railroad employees can be compelled to perform the service for which they are employed, regardless of the orders or regulations of any labor organization, is a very important one in its bearing upon the relations of employers and employees. It makes a distinction between such workmen and those engaged in other forms of industry on the ground that their service is of a public character, and that society is particularly interested not only in the way in which they perform their duties while they continue in that service, but also in the time and circumstances

under which they quit such employment. They have not the right, Judge Ricks tells them, to choose their own time and place for terminating their service. 'Your employers owe a high duty to the public,' he says, 'which they are compelled to perform under severe penalties of the law, and they have, in turn, a higher claim upon you and your service than that due from the ordinary employee.'" And after some further comment, the remark is made that "This is a new judicial departure, and its outcome will be awaited with general interest." It is this "new departure" that contains the germ of an odious autocracy created specially for the degradation of a special class of railroad employees. No wonder that the writer declares that "its outcome will be awaited with interest." The expression "general interest" puts the case in its mildest form. The language of the judge, it would be prudent to say, creates general alarm; like the phenomena that precede cyclones and earthquakes, it presages other troubles, compared with which the Toledo strike will be insignificant.

Fortunately, it is held that the court has assumed authority which it does not possess; that its dictum is extra-judicial; that it does not possess the authority to reduce men to machines or to a commodity; that rights acquired by revolution, war and legislation cannot be crushed and overwhelmed by a District judge at his pleasure. But it so happens that while men debate such propositions, embodying self-evident truths, the court, with an iron grip, holds freemen in bondage, and the victims are as powerless as when, under another exhibition of power, men were sold at the auction block.

I am not disposed to criticise railroad corporations or railroad officials. My experience leads to the conclusion that in a majority of cases there is a disposition to deal fairly with the employees and to give prompt attention to grievances. There are exceptions, as in the case under consideration, and however few and far between these unusual cases may be, they are the ones which create the unrest in the ranks of employees. Pending final decisions the organizations involved will wait and watch, and if finally the court's decision is sustained I do not doubt that action will be taken to regain the liberties the court has trampled upon.

FRANK P. SARGENT.